IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13323 of 2006
Date of decision: 9.7.2007

Raj Kumar ...Petitioner

Versus

State of Punjab and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE S. N. AGGARWAL

Present: Mr. ML Saini, Advocate,
for the petitioner.

Mr. HS Saini, Advocate, for
respondents No. 4 and 5.

K.S.GAREWAL, J.

Raj Kumar has filed this petition under Articles 226/227 of the Constitution of India. According to the petitioner, he had purchased Khasra 1205/1 in 1984 and had constructed his house on this plot. In 1992 consolidation had been concluded. During consolidation Khasra No. 1205/1 and 1205/2 were divided into 8 parts and different khasra numbers were given. The petitioner's plot was given Khasra No. 1851 but this was away from the plot where he had constructed his house and new Khasra numbers of that plot fell partly in Khasra 1850 and partly in Khasra 1852. On February 17, 2000, the petitioner filed an application before Additional

Director, Consolidation, Punjab to change the allotment of land. The application was dismissed. The petitioner challenged the order dated February 17, 2000 through writ petition which was disposed of on February 9, 2004 with a direction that the petitioner shall move an application before the Deputy Commissioner for assessing the market value of the plot so that the price could be paid and the sale deed could be executed. The Deputy Commissioner asked for the report of Sub Divisional Magistrate, who mentioned the market value of the plot as Rs. 18,000/- per marla being the rate fixed in the municipal limits of Municipal Committee, Nangal.

Since the matter was earlier before this Court in CWP 2805 of 2001 and a consensus had reached between Raj Kumar on the one hand and Pritam Singh and Harbhajan Singh on the other, under the terms of the consensus reached Raj Kumar was to retain possession of the plot in dispute but pay the value thereof as determined by the Deputy Commissioner, Ropar to Pritam Singh and Harbhajan Singh.

The valuation was not accepted by the petitioner, but we feel that the valuation cannot be opened in writ petition since the petitioner had earlier accepted that he would be bound by the decision of the Deputy Commissioner. The valuation of the Deputy Commissioner is final and binding on the petitioner, and value is reasonable and fair.

We find no merit in this petition. Dismissed.

(K.S. GAREWAL)
JUDGE

9.7.2007 **(S.N. AGGARWAL)**
prem **JUDGE**